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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,150	11/26/2003	Yoshifumi Ishihata	K6510.0064/P064	5542

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER

PIERCE, DAMON JOSEPH

ART UNIT	PAPER NUMBER
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3714

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01/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,150

Applicant(s)

ISHIHATA ET AL.

Examiner

Damon Pierce

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/25/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanbongi et. al (Sanbongi).

In Reference to Claims 21, 22, 31, and 34

Sanbongi discloses an electronic device (col. 1, 7, "gaming machines"), and a computer readable storage medium (col. 4, 55, "information storage medium") storing a control program (col. 4, 56, "program") for an action game in which a player character is moved in a game space in response to an operation of a game player and in which one character of a plurality of characters moving in the game space is selected to be an attack target, in response to an operation of the game player (col. 3, 33-52, a player moves through a virtual space attacking different game characters),

the control program, when executed by a computer, causes said computer to (col. 4, 55-59, "program" is executed on "game device"):

set and a means for/of setting a first distance and angle (Fig. 7, shows E1 at 1st distance and angle) and a second distance and angle which is above the first distance and angle as a distance of said one character (Fig. 7, shows E3 which

is a different character but at a 2nd distance and angle) from a predetermined base point and line (col. 3, 3-10, "gaze point" sets the viewpoint which is a player base point and base line of vision), whose origin is positioned at said player character and which is extended in the direction where said player character is looking forward (see Fig. 7, where the camera represents the player character, and all game play is based around the player) to memorize the first distance and the second distance in a memory (col. 3, 3-10, "pictured processing device", controls player vision and characters distance relative to each other);

memorize and a means for memorizing respective distances and angles of said plurality of characters from said predetermined base point and line before a predetermined time from present time in said memory (col. 6, 3-7, the "RAM" continuously stores and buffer game data, including data relative to the "gaze point", such as distances and angles of game characters relative to player as the game progresses, for example, in Fig. 7, the distances and angles of enemies characters [E1, E2, E3, etc] relative to game character are constantly stored in the "RAM");

judge and a selectable candidate object judging means for judging each of said plurality of characters as to whether or not it is a selectable candidate object based upon a content of said memory (col. 6, 20-30, the game programs stored on the "ROM 102", in particular, the "shape data ROM 111" will determine which characters are "enemies", subject to be attacked by player) and whether its distance and angle before said predetermined time is below said first distance

and angle and additionally its distance and angle at said present time is below said second distance and angle, or whether its distance and angle at said present time is below said first distance and angle (col. 6, 20-30, the game programs stored on the "ROM 102", in particular, the "landscape data from the ROM 109" will determine the placement of "enemy" characters and based on their location determine if they are subject to be attacked by player);

decide and a selection order deciding means for deciding an order of selecting those of said judged plurality of selectable candidate objects, which have been judged by the selectable candidate object judging means, based upon those distances and angles at said present time of said plurality of selectable candidate objects (Fig. 7, when "enemy characters" are within an angle of 180 degrees of player and in "attacking zone" they are subject to be attacked); and

select and an attack target changing means for/of selecting, based on the decided selection order, one of said plurality of characters as said attack target and sequentially changing said attack target in response to an attack target changing operation by the game player (col. 6, 20-30, the game programs stored on the "ROM 102", selects and changes "enemy characters" as player progresses through game).

In Reference to Claims 23-26

Sanbongi discloses a computer readable storage medium according to claims 21 and 22, wherein when at least one of said plurality of characters

becomes ineffective as an attack target, the selection order of the selection qualified candidates is re-decided;

wherein the characters are present in the game space and are increased or decreased in accordance with advance of the game in response to operations of the game player (col. 4, 20-26, when "enemy characters" are "dead" they become ineffective which causes characters in the game to decrease, and the game proceeds to new "enemy character").

In Reference to Claims 27-28

Sanbongi discloses a computer readable storage medium according to claims 21 and 22, wherein the characters are attack targets of a character operated by the game player (col. 5, 40-43, "input device" is a weapon used by player to attack "enemy characters").

In Reference to Claims 29 and 32

Sanbongi discloses an electronic device and a computer readable storage medium according to claims 21 and 31, wherein said predetermined base point is positioned at said player character in said game space; and said respective distances are those in said game space (Fig. 7, where camera in the figure represents the player character which is the base point).

In Reference to Claims 30 and 33

Sanbongi discloses an electronic device and a computer readable storage medium according to claims 21 and 31, wherein said predetermined base point is a center point of a game display image which said game space is projected to; and said respective distances are those in said game display image (Fig. 7, where camera in the figure represents the player character which is located at the base and center of screen).

Response to Remarks

3. In regards to remarks of claims 21-34, claim subject matter is in compliance with 35 U.S.C. 101.
4. Applicant's remarks with respect to prior rejection have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Damon Pierce whose telephone number is 571-270-1997. The examiner can normally be reached on Mon - Friday 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJP



JOHN M. HOTALING, II
PRIMARY EXAMINER